

Last revised: August 1, 2017

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

In Re:

Robert Elliot Shanley III

Case No.:

17-31785

Judge:

Kaplan

Debtor(s)

Chapter 13 Plan and Motions

☒ Original

☐ Modified/Notice Required

Date: November 3, 2017

☐ Motions Included

☐ Modified/No Notice Required

THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE

YOUR RIGHTS MAY BE AFFECTED

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the *Notice*. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the *Notice*. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☐ DOES ☒ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☐ DOES ☒ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney:

JMC

Initial Debtor:

RES

Initial Co-Debtor:

Part 1: Payment and Length of Plan

a. The debtor shall pay \$ 1200 per Month to the Chapter 13 Trustee, starting on Nov. 15, 2017 for approximately 60 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

☒ Future earnings

☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

☒ Sale of real property

Description: 125 Navesink Avenue, Middletown, NJ

Proposed date for completion: April 28, 2018

☐ Refinance of real property:

Description:

Proposed date for completion: _____

☒ Loan modification with respect to mortgage encumbering property:

Description: 198 Grand Avenue, Navesink, NJ 07752

Proposed date for completion: April 28, 2018

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection <input type="checkbox"/> NONE			
<p>a. Adequate protection payments will be made in the amount of \$ _____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to _____ (creditor).</p> <p>b. Adequate protection payments will be made in the amount of \$ <u>2300</u> to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: <u>TD Bank</u> (creditor).</p>			
Part 3: Priority Claims (Including Administrative Expenses)			
a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:			
Creditor	Type of Priority	Amount to be Paid	
CHAPTER 13 STANDING TRUSTEE	ADMINISTRATIVE	AS ALLOWED BY STATUTE	
ATTORNEY FEE BALANCE	ADMINISTRATIVE	BALANCE DUE: \$ None	
DOMESTIC SUPPORT OBLIGATION			
<p>b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount: Check one:</p> <p><input checked="" type="checkbox"/> None</p> <p><input type="checkbox"/> The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C. 1322(a)(4):</p>			
Creditor	Type of Priority	Claim Amount	Amount to be Paid
Internal Revenue Service	Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:	Unknown	To be Determined
State of New Jersey		Unknown	To be Determined

Part 4: Secured Claims					
a. Curing Default and Maintaining Payments on Principal Residence: <input checked="" type="checkbox"/> NONE The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:					
Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: <input checked="" type="checkbox"/> NONE The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:					
Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
c. Secured claims excluded from 11 U.S.C. §06: <input checked="" type="checkbox"/> NONE The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:					
Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation	

d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments ☒ **NONE**

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this Section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

e. Surrender ☐ **NONE**

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
Bank West	2007 Scout 22' motorboat	unknown	\$18,500

f. Secured Claims Unaffected by the Plan ☐ **NONE**

The following secured claims are unaffected by the Plan:

Pension Parameters -PowerNJ, LLC Profit Sharing Plan Loan

g. Secured Claims to be Paid in Full Through the Plan: <input checked="" type="checkbox"/> NONE				
Creditor	Collateral	Total Amount to be Paid Through the Plan		
Part 5: Unsecured Claims <input type="checkbox"/> NONE				
<p>a. Not separately classified allowed non-priority unsecured claims shall be paid:</p> <p><input type="checkbox"/> Not less than \$ _____ to be distributed <i>pro rata</i></p> <p><input type="checkbox"/> Not less than _____ percent</p> <p><input checked="" type="checkbox"/> <i>Pro Rata</i> distribution from any remaining funds</p> <p>b. Separately classified unsecured claims shall be treated as follows:</p>				
Creditor	Basis for Separate Classification	Treatment	Amount to be Paid	
Part 6: Executory Contracts and Unexpired Leases <input checked="" type="checkbox"/> NONE				
<p>(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)</p> <p>All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:</p>				
Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment

Part 7: Motions ☒ **NONE**

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f). ☒ **NONE**

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided

b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured. ☒ **NONE**

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. ☒ NONE

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon confirmation
☐ Upon discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

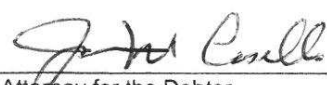
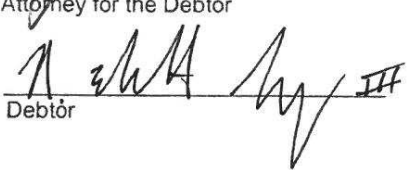
c. Order of Distribution



The Standing Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee commissions
- 2) Secured Claims
- 3) Priority Claims
- 4) Unsecured claims

d. Post-Petition Claims

The Standing Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification <input type="checkbox"/> NONE	
If this Plan modifies a Plan previously filed in this case, complete the information below. Date of Plan being modified: _____	
Explain below why the plan is being modified:	Explain below how the plan is being modified:
Are Schedules I and J being filed simultaneously with this Modified Plan? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Part 10: Non-Standard Provision(s): Signatures Required	
Non-Standard Provisions Requiring Separate Signatures: <input type="checkbox"/> NONE <input type="checkbox"/> Explain here:	
Any non-standard provisions placed elsewhere in this plan are void.	
The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Certification.	
I certify under penalty of perjury that the plan contains no non-standard provisions other than those set forth in this final paragraph.	
Date: <u>11-13-17</u>	 _____ Attorney for the Debtor
Date: <u>11-10-17</u>	 _____ Debtor
Date: _____	_____ Joint Debtor

Signatures	
The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.	
Date: <u>11-13-17</u>	 Attorney for the Debtor
I certify under penalty of perjury that the above is true.	
Date: <u>11-10-17</u>	 Debtor
Date: _____	_____ Joint Debtor

Certificate of Notice Page 11 of 12

United States Bankruptcy Court
District of New JerseyIn re:
Robert Elliott Shanley, III
DebtorCase No. 17-31785-MBK
Chapter 13**CERTIFICATE OF NOTICE**

District/off: 0312-3

User: admin
Form ID: pdf901Page 1 of 2
Total Noticed: 24

Date Rcvd: Nov 14, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Nov 16, 2017.

db
517145191 +Robert Elliott Shanley, III, PO Box 641, Navesink, NJ 07752-0641
517145192 +American Express, Bankruptcy Department, P.O. Box 981540, El Paso, TX 79998-1540
517145193 Bank West, PO Box 4024, Alameda, CA 94501-0424
517145194 Barclay Card, P.O. Box 8833, Wilmington, DE 19899-8833
517145194 Chase, Card Memembr Service, P.O. Box 15548, Wilmington, DE 19886-5548
517145195 Citi, Po Box 6004, Sioux Falls, SD 57117-6004
517145197 Evane McLean Shanley, PO Box 32, Navesink, NJ 07752-0032
517145198 Home Depot Credit, PO Box 9601010, Louisville, KY 40290-1010
517145200 +KML Law Group, 701 Market Street, #5000, Philadelphia, PA 19106-1541
517145204 Pension Parameter, Inc., 675 Line Road, Aberdeen, NJ 07747-1246
517145205 ++STATE OF NEW JERSEY, DIVISION OF TAXATION BANKRUPTCY UNIT, PO BOX 245,
TRENTON NJ 08646-0245
(address filed with court: State of New Jersey, Division of Taxation, P.O. Box 245,
Trenton, NJ 08695-0245)
517145206 Stearns, Card Memembr Services, P O Box 6353, Fargo, ND 58125-6353
517145208 ++US BANK, PO BOX 5229, CINCINNATI OH 45201-5229
(address filed with court: US Bank, NJ-Indirect Lending, PO Box 790179,
Saint Louis, MO 63179-0179)

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg E-mail/Text: usanj.njbankr@usdoj.gov Nov 14 2017 23:35:07 U.S. Attorney, 970 Broad St.,
Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534

smg +E-mail/Text: ustpregion03.ne.ecf@usdoj.gov Nov 14 2017 23:35:04 United States Trustee,
Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
Newark, NJ 07102-5235

lm E-mail/Text: bankruptcy@td.com Nov 14 2017 23:35:10 TD Bank, Loan Operations,
32 Chestnut Street, Lewiston, ME 04240

517145196 E-mail/Text: mrdiscen@discover.com Nov 14 2017 23:34:21 Discover Card, PO Box 15316,
Wilmington, DE 19850-5316

517166666 E-mail/Text: mrdiscen@discover.com Nov 14 2017 23:34:21 Discover Bank,
Discover Products Inc., PO Box 3025, New Albany, OH 43054-3025

517145199 E-mail/Text: cio.bncmail@irs.gov Nov 14 2017 23:34:44 Internal Revenue Service,
P.O. Box 7346, Philadelphia, PA 19101-7346

517145201 +E-mail/Text: bk@lendingclub.com Nov 14 2017 23:35:36 Lending Club Corp.,
71 Stevenson Street, Suite 300, San Francisco, CA 94105-2985

517145202 E-mail/PDF: gecsedirecoverycorp.com Nov 14 2017 23:32:16 Lowes, P.O. Box 530970,
Atlanta, GA 30353-0970

517145203 E-mail/Text: camanagement@mtb.com Nov 14 2017 23:34:51 M&T Bank, P.O. Box 1288,
Buffalo, NY 14240-1288

517147089 +E-mail/PDF: gecsedirecoverycorp.com Nov 14 2017 23:32:16 Synchrony Bank,
c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021

517145207 E-mail/Text: bankruptcy@td.com Nov 14 2017 23:35:10 TD Bank, PO Box 5400,
Lewiston, ME 04243

TOTAL: 11

***** BYPASSED RECIPIENTS *****

NONE.

TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.****Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Nov 16, 2017

Signature: /s/Joseph Speetjens

District/off: 0312-3

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 24

Date Rcvd: Nov 14, 2017

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on November 13, 2017 at the address(es) listed below:

Albert Russo docs@russotrustee.com
Joseph Casello on behalf of Debtor Robert Elliott Shanley, III jcasello@cvclaw.net,
jcasello627@gmail.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 3